

## **REMARKS**

Applicants have carefully considered the Office Action of December 24, 2008, in which claims 1-12 are pending, claims 1-8 and 10-12 have been rejected and claim 9 has been objected to. Applicants respectfully request reconsideration in light of the above amendments and following remarks.

### ***IDS***

Applicants thank the Examiner for the initialed Form PTO-1449. It is noted that two foreign references were not considered due to typographical errors in the reference numbers. Applicants attach herewith a revised IDS-Form PTO-1449 with the reference numbers correctly typed. Copies of the references are already viewable in PAIR. Applicants request that the two references are considered by providing an initialed copy of the Form PTO-1449 with the next communication from the Examiner. Applicants believe that no fee is due for the amended IDS, but give permission to charge any necessary fee to the Deposit Account indicated on the first page of this response.

### ***Claim Amendments***

Claim 1 has been amended to more particularly define the invention. Support for the claim amendments may be found, for example, at page 9, lines 13-15 and page 10, lines 1-4. No new matter has been introduced.

New presented claim 13 is substantially identical to original claim 9, which was objected to but otherwise indicated as allowable. Support for newly presented claims 14-20 may be found, for example, in the claims as originally filed. No new matter has been introduced.

### ***Claim Rejections***

Claims 1-5, 7-8 and 11-12 were rejected under 35 U.S.C. 102(b) as being anticipated by Hirokawa, U.S. Patent No. 5,927,202. Applicants respectfully traverse the rejection.

Hirokawa teaches a clamping device comprising a pivotable cam shaft 23 with a flat surface 23M that can be rotated 90 degrees when a plate 10 is fitted on a plate cylinder 60 so as to tension the plate 10. As a result of the rotation of the cam shaft 23, a flange part 3T of a tail

edge side clamping base 3 is pushed by movement of a spring base 15 which receives a pushing force generated by springs 16. In this way, the plate 10 is pulled in a tension applying direction 90 by the tail edge side clamping base 3. See, for example, the abstract, Figure 2B and column 7, lines 26-35.

According to Hirokawa, the pivotable cam shaft 23 acts as “pushing force limitation part” which limits movement of the spring base 15 in the tension applying direction 90 (see column 5, lines 58 to 61).

As far as clamping of the plate 10 is concerned, the plate 10 is clamped between the tail edge side clamping base 3 (which acts as first clamping element) and a tail edge side clamp 5 (which acts as second clamping element) See column 4, lines 61 to 67. Hirokawa teaches that the tail edge side clamp 5 located on the tail edge side clamping base 3 has a structure for carrying out opening and closing movements, which structure is said to be well-known and is not described in Hirokawa. See column 5, lines 39 to 46. It is, however, clearly apparent that the pivotable cam shaft 23 of Hirokawa does not in any way act as a structure for carrying out opening and closing movements of the tail edge side clamp 5.

It can be appreciated that, according to Hirokawa, the pivotable cam shaft 23 does not fulfill the same function as the claimed pivotable spindle defined in claim 1. The pivotable cam shaft 23 of Hirokawa et al. is merely used to tension the plate 10 once the plate 10 has been clamped between the clamping elements 3 and 5, the cam shaft 23 acting as a limitation part to limit movement of the spring base 15 in the tension applying direction 90.

The claimed clamping device differs from Hirokawa in at least the following aspects : (i) the pivotable spindle can be moved between a clamping position in which it holds the plate clamped in between the clamping elements and a released position in which the clamping elements release the plate (according to Hirokawa movement of the pivotable cam shaft 23 does not affect clamping or releasing of the plate 10) ; (ii) the spindle is fitted in an interspace between the spring and the second clamping element (according to Hirokawa the pivotable cam shaft 23 does not interact with the second clamping element 5 to cause clamping or releasing of the plate 10) ; (iii) in the clamping position, the spindle is pressed against the second clamping element by the spring part (according to Hirokawa the pivotable cam shaft 23 merely limits movement of the spring base 15 in the tension applying direction 90 and does not interact with the second clamping element 5 to cause clamping of the plate 10) ; and (iv) in the released

position, the clamping device has a play in the interspace between the spring part and the second clamping element (according to Hirokawa the pivotable cam shaft 23 merely does not generate any play allowing the clamping elements to release the clamping force holding the plate; as a matter of fact a distinct structure which is not described in Hirokawa et al. is used to carry out opening and closing movements of the second clamping element 5).

Because Hirokawa does not disclose each and every element of the invention of claim 1, as discussed above, Applicants submit that claim 1 is in condition for allowance. As claims 2-5, 7-8 and 10-12 depend from claim 1 and contain additional elements, Applicants submit that these claims are in condition for allowance as well.

Claims 6 and 10 were rejected under 35 U.S.C. §103(a) as being anticipated by Hirokawa in view of Klopfenstein, U.S. Patent No. 5,374,093. Applicants respectfully traverse the rejection.

Klopfenstein is cited merely for disclosing certain elements recited in dependent claims 6 and 10 and does not remedy the deficiencies of Hirokawa discussed above with respect to claim 1. Thus when all the words in claims 6 and 10 are properly considered, it can be seen that no *prima facie* case of obviousness has been made. Applicants accordingly submit that these claims are in condition for allowance.

### ***Claim Objections***

Claim 9 was objected to as depending from a rejected base claim but was indicated as otherwise allowable. Applicants submit that this claim is in condition for allowance for at least the reason that it depends indirectly from claim 1, which Applicants submit is now in condition for allowance.

Claim 9 has also been rewritten in independent form as new independent claim 13. The changes between original claim 9 and claim 13 are minor (e.g. “wherein” instead of “in that,” for example.) Applicants therefore submit that claim 13 is in condition for allowance for at least the reasons given by the Examiner in the Office Action, and that claims 14-20 are likewise in condition for allowance, as these claims depend from claim 13 and contain additional elements.

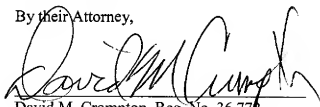
**Conclusion**

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Gunther Hoier et al.

By their Attorney,



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Attachment: Edited Form PTO-1449